

Planning Commission

**January 11, 2018
City Hall, Council Chambers
749 Main Street
6:30 PM**

For agenda item detail see the Staff Report and other supporting documents included in the complete meeting packet.

Public Comment will be limited to three (3) minutes per speaker.

- I.** Call to Order
- II.** Roll Call
- III.** Elect Chair and Vice Chair
- IV.** Approval of Agenda
- V.** Approval of Minutes
 - December 14, 2017
- VI.** Public Comment on Items Not on the Agenda
- VII.** New Business – Public Hearing Items
 - **363 Centennial Parkway Roof Mounted CMRS Special Review Use:** A request for a special review use to allow the construction of a rooftop mounted CRMS facility. (SRU-0106-2017)
 - Applicant : Sure-Site, LLC
 - Owner: CV 363 Centennial Parkway, LLC
 - Case Manager: Lisa Ritchie, Associate Planner
- VIII.** Planning Commission Comments
- IX.** Staff Comments
 - Open Government & Ethics Pamphlet – 2018 Edition
 - Public Notice Posting Locations (Resolution No. 2018-02)
 - City Hall, 749 Main Street
 - Library, 951 Spruce Street
 - Recreation/Senior Center, 900 Via Appia
 - Police Department/Municipal Court, 992 Via Appia
 - City Web Site: www.LouisvilleCO.gov

➤ 2018 Meeting dates

X. Items Tentatively Scheduled for the regular meeting February 8, 2018:

- **Clementine Commons (331 & 333 East St.):** A Final Plat, Final PUD, and Utility Easement Vacation to allow for 42 Residential Townhouse lots and Common Areas on 3.7 acres zoned RM and with detention facilities and landscape improvements on the adjacent City-owned 1.44 acre parcel west of Hwy 42 and North of Lock St. (PUPL - 093-2017)
 - Applicant : Louisville Gateway LLC
 - Owner: Mike Jones and Michael Eisenstein
 - Case Manager: Rob Zuccaro, Planning & Building Safety Director
- **Christ the Servant Lutheran Church (506 Via Appia):** A request for a Special Review Use to allow the construction of an exterior columbarium (SRU under use category 22. Cemeteries) (SRU-0088-2017)
 - Applicant : Christ the Servant Lutheran Church
 - Owner: Christ the Servant Lutheran Church
 - Case Manager: Lisa Ritchie, Associate Planner
- **Blue Parrot Landmark Sign (640 Main Street):** A request for a PUD Amendment to implement an exterior sign program for the property at 640 Main Street.
 - Applicant : 1882 Ventures, LLC
 - Owner: 1882 Ventures, LLC
 - Case Manager: Lisa Ritchie, Associate Planner
- **Terraces on Main (712 & 722 Main Street):** A request for a Final PUD to allow for a 26,361 square foot commercial building with a 10,754 sf parking garage on 14,114 square feet zoned CC, a Final Plat to vacate the lot line between Lots 8 and 9, Town of Louisville and a SRU to allow for outdoor eating and drinking establishments (PUPL – 094-2017 & SRU – 095-2017).
 - Applicant/Owner : 712 Main St. LLC & 722 Main St. LLC
 - Case Manager: Kristin Dean, Principal Planner
- **Louisville East, Lots 8 & 9 Replat (1117 & 1131 Spruce Street):** A Final Plat to reconfigure the lot lines between Lots 8 & 9, Block 3, Louisville East (proposed Lots 1 and 2, Louisville East – Replat A) in order to vacate the lot line that runs through the existing structures and create lots with fewer non-conforming issues (PLAT-0101-2017).
 - Applicant/Owner : Jean Morgan
 - Case Manager: Kristin Dean, Principal Planner

XI. Adjourn

MEMORANDUM

To: Honorable Chair and Members of the Planning Commission

From: Planning Division

Subject: Election of Officers

Date: January 11, 2018

The Bylaws of the Louisville Planning Commission establish the manner for electing officers. Article II, Section 2 established there shall be a Chair, Vice-chair and Secretary and that they shall be elected either

- 1) At the first meeting in January, or
- 2) At the first meeting of the Commission after the effective date of appointment of new members of the Planning Commission.

The Bylaws do not establish any formal process the Commission must follow in the election of officers.

The January Planning Commission agenda includes a business item for the election of officers. The Commission has two options for completing the election of officers:

- 1) Complete the election of officers with nomination during the January 11th meeting or
- 2) Accept formal nominations and letters of interest that could then be considered at the February 8th meeting.

If the Commission wishes to submit letters of interest or letters of nomination in advance of the February 8th meeting, staff could include those in your packets of that meeting. We would need to receive those by Monday, January 29, 2018 in order to forward them in your packets.

***Planning Commission
Meeting Minutes
December 14, 2017
City Hall, Council Chambers
749 Main Street
6:30 PM***

Call to Order – O’Connell called the meeting to order at 6:35 P.M.

Roll Call was taken and the following members were present:

Commission Members Present:	Ann O’Connell, Vice Steve Brauneis, Secretary Jeff Moline Tom Rice David Hsu Monica Sheets
Commission Members Absent:	Chris Pritchard, Chair
Staff Members Present:	Rob Zuccaro, Dir of Planning & Building Safety Kristin Dean, Principal Planner Lisa Ritchie, Associate Planner Amelia Brackett, Planning Clerk

Zuccaro thanked Commissioners O’Connell and Sheets for their service.

APPROVAL OF AGENDA

Brauneis moved and Sheets seconded a motion to approve the December 14, 2017 agenda. Motion passed unanimously by voice vote.

APPROVAL OF MINUTES

Moline moved and Hsu seconded a motion to approve the November 9, 2017 minutes. Motion passed by roll call. Commissioners Brauneis and O’Connell abstained.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

NEW BUSINESS – PUBLIC HEARING ITEMS

Louisville Fire Station #2 (895 Via Appia): A request an amendment to the Fire Station No. 2 PUD and SRU to allow for an approximately 1,968 square foot addition on the southeast corner of the building, remove existing interior furnaces and exterior ground mounted air-conditioning compressor units and add new, rooftop packaged air handling units, replace a portion of the existing materials with pre-finished metal siding, install minor landscape improvements surrounding the building at the location of the new addition, reconstruct the trash enclosure, and other miscellaneous modifications. (SRU-0075-2017 & PUD-076-2017)

- Applicant and Representative: Louisville Fire Protection District
- Owner: Louisville Fire Protection District
- Case Manager: Kristin Dean, Principal Planner

O'Connell asked for disclosures from the Commission. Seeing none, she asked for the staff presentation.

Notice was posted in the Boulder *Daily Camera* on October 22nd and posted and mailed on October 20th, 2017. It was originally scheduled for last month, but there were outstanding issues. The application is for an addition of less than 2,000 square feet on southeast side, modifications to mechanical equipment, landscaping, adding some new materials, and a new trash receptacle. Internal changes did not trigger review and the additional dorms in the building would not involve adding staff and therefore did not affect parking needs. The plan for new trash receptacles will decrease the noise impact on neighbors. The proposal includes an addition of metal siding to the old garage doors, which were converted to windows. The windows are expensive and difficult to maintain. Staff investigated the proposed metal, as the CCDSG does not allow painted metal. However, staff found that the material in question was prefabricated metal.

These types of buildings require an SRU review based on the following criteria:

1. That the proposed use/development is consistent in all respects with the spirit and intent of the comprehensive plan and of this chapter, and that it would not be contrary to the general welfare and economic prosperity of the city or the immediate neighborhood;
Staff finds the PUD and SRU compliant, as they support fire protection services.
2. That such use/development will lend economic stability, compatible with the character of any surrounding established areas;
Staff finds that the proposed enhancements will contribute to the economic stability of the city and reduce noise pollution for residential neighbors.
3. That the use/development is adequate for internal efficiency of the proposal, considering the functions of residents, recreation, public access, safety and such factors including storm drainage facilities, sewage and water facilities, grades, dust control and such other factors directly related to public health and convenience;
Staff finds that the proposed changes do not affect water, sewage, or water.
4. That external effects of the proposal are controlled, considering compatibility of land use; movement or congestion of traffic; services, including arrangement of signs and lighting devices as to prevent the occurrence of nuisances; landscaping and other similar features to prevent the littering or accumulation of trash, together with other factors deemed to effect public health, welfare, safety and convenience;
Staff finds that the proposal meets the CDDSG requirements for lighting, landscaping, and trash containers.
5. That an adequate amount and proper location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.
Staff finds that the proposal will not affect sidewalks or vehicular circulation.

Staff recommends that the Commission approval Resolution No. 24, Series 2017.

O'Connell asked the Commission for questions for staff.

Brauneis asked if this material was allowed on residential homes, as he thought the prefabricated metal was the same thing as a painted metal.

Dean stated that they did not regulate materials on residential homes, but that this material lasted 20-plus years and was an accent material, so it avoided the issues raised by the ban on painted metals, which deteriorate quickly.

Rice asked if CDDSG guidelines had been applied to Station Number Three.

Dean stated that the material was approved for use on Station Number Three.

Rice stated that there was therefore precedent for its approval under CCDSG.

Zuccaro stated that if they called it a painted metal, the firehouse could request a waiver. However staff decided that it was not a painted metal. He added that the Commission could decide that it was a painted metal and suggest a waiver process.

Hsu asked how the metal was waived if one of the criteria was to be compliant with CCDSG standards.

Zuccaro responded that the criteria could be waived under the CCDSG rather than the ordinance.

Moline suggested that the material be entered into the record.

Applicant entered the metal into the record.

Dean stated that the applicant had requested a wavier and in that process presented staff with a detailed description of the metal, but staff found that the metal was not actually a painted metal and therefore did not need a waiver request.

Brauneis stated that his concern was that the material in question was what steel buildings would be sided with, and steel buildings were not allowed in the code.

Zuccaro read the excerpt on waivers from Section 17.28.110 of the zoning ordinance titled "Underlying district regulations and development design standards and guidelines to apply":

All requirements applicable to the underlying zoning district or district in which the property is located as set forth in this title and in adopted city development design standards and guidelines including but not limited to lot areas, lot coverage, lot width, lot height, setbacks, parking signage and buffers shall apply to PUDs. In the event of conflict between any such requirements the most restrictive shall apply. However, any such requirements may be waived or modified through the approval process of a PUD if the spirit and intent of the development criteria are met contained in Section 17.28.120 and the city finds that the development plan contains areas allocated for usable open space...

Zuccaro noted that the first and third sentences were most relevant to the discussion. Staff interpreted this section to mean that an applicant can request a waiver for a guideline that is in the IDDSG or the CDDSG. Staff reviews waivers it against the requirement that it meet the design intents of the underlying zoning and design guidelines. He clarified that Station Number Three was reviewed under the IDDSG, so it may have been subject to a different standard.

Dean stated that the guidelines stipulated that the aging process of the materials was a consideration. High-quality, aesthetic materials are mentioned in the guidelines. She added that there is a fair amount of subjectivity and since the primary material of the building is still brick, the metal was acceptable as an accent material.

Brauneis stated that the code was helpful.

O'Connell invited the applicant to present.

Kyle Callahan, 2975 Valmont Avenue, Boulder presented a sample of the metal to the Commission. He stated that the metal was coated on both sides and painted on the other.

Motion made by Brauneis and seconded by Hsu to enter material into the record. Passed unanimously by voice vote.

Callahan stated that he had worked with the fire district since 2009 and had renovated and developed Station Number One and Station Number Three. Station Number Two has been around since the 1980s and has had additions and conversions. The adaptations have always been forced into the existing space. They decided not to tear down the whole building, but they wanted to fix the flow of the building and make it last for the next 50 years. They administered a survey among the employees to ask what was wrong with the building. They received 17 surveys back and used them to know which problems to address, including lighting, space performance, and heating. They determined that all residential spaces should be on the same floor and separate from work areas and that all the offices should be together. They needed more offices and increased security with controlled access spaces. They also needed to fulfill the mandate for a Safe Haven, which they did not currently meet. They needed to address fire safety like sprinklers, dead-ends, lack of fresh air, and stairways. They also planned to lessen noise so that meetings and sleeping can be undisturbed. They planned to add more windows for air, view, and egress. They also planned to replace the current residential HVAC system, renovate the bathrooms, add a fitness space, and reduce overall costs with new installation. They planned to preserve the good aspects of the building. Callahan noted that the actual footprint increase is about 500 square feet.

Moline asked Callahan about the decision to choose the metal material for the accents.

Callahan responded that they wanted to use the material to tie all three stations together.

Hsu asked if there was an argument that the metal was not a painted metal.

Callahan stated that he thought paint was not something that was applied in the factory. He added that the material had a 50-year warranty and that it would not lose its color.

Sheets asked if they were doing the material was for aesthetics or because it was cheaper.

Callahan stated that it was expensive, but it was incredibly durable and low-maintenance, which was the important consideration. He stated that the CDDSG allowed wood, which was not durable or low-maintenance.

Sheets asked if all fire stations have fitness amenities.

John Wilson, Fire Chief, 895 Via Appia, Louisville, responded that they have fitness centers to decrease response time. He added that the recreation center also had metal siding and it was next door to the fire station.

O'Connell asked for further public comment. Seeing none, she ended the public comment period and started closed discussion, encouraging the Commission to tackle the question of the material.

Brauneis stated that he was not concerned by the material and stated that the guidelines seemed to provide for material like this. He stated that it did not matter if it was painted material, and he pointed out that this material was not around when the guidelines were written. The guidelines wanted to avoid all-steel buildings, but as an accent material it was not a problem.

Hsu stated that it was a painted metal because it was a polymer that changes the color of the material and got baked on to remove moisture. He was okay with the waiver process for the material, as the metal was aesthetic and durable, which seemed to fulfill the intent of the guidelines.

O'Connell asked staff how the waiver process worked.

Zuccaro stated that the Commission could approve the application based on Hsu's findings.

Rice asked Dean about the CDDSG guidelines.

Dean stated that CDDSG said painted metal was "prohibited." She entered into the record an image of spray-painted, galvanized metal, which she stated was different from the material in the application.

O'Connell asked if anyone was against couching it as a waiver.

Rice recommended granting a waiver.

Motion made by Brauneis to approve Resolution 24 Series 2017 inclusive of Commissioner Hsu's findings with the waiver to allow painted metal material. Seconded by Sheets. Roll call vote. Motion passed unanimously.

Food Truck Ordinance: A request to amend Title 17 of the Louisville Municipal Code regarding mobile retail food establishments, mobile food vehicles, mobile vending carts, and ice cream vendor regulations. (LMCA-0104-2017)

- Applicant and Representative: City of Louisville
- Case Manager: Lisa Ritchie, Associate Planner

The code amendment was published in the Boulder *Daily Camera* on November 26th and posted on November 22nd. No mailing was requiring.

Ritchie stated that the proposed ordinance amends Title 17 regarding ice cream vendors, and mobile food vehicles, mobile retail food establishments, and mobile vending carts (Food Trucks). In 2014 an ordinance was adopted to establish food truck regulations and in 2015 another ordinance was adopted to make minor amendments to the regulations. This resolution was meant to consolidate and make execution of the 2014 ordinance easier. Staff proposed having all the regulations in a single, consolidated revised section. The resolution proposed allowing these vehicles outside the recreation center. Another goal of the resolution is to eliminate contradictions in the code. For the proposed food truck permit, all applicants would be required to have a city sales tax/use license, a Boulder County public health certificate, and a mobile food vending permit from the fire department. Some food trucks would be exempt from obtaining a city-issued food truck permit, including trucks for private catered events, ice cream vendors, and city-sponsored special events.

The 2015 ordinance makes rules about ice cream vendors and private catered events unclear. Location requirements are not being changed in intent, but are changing to allow owner approval through written consent to allow food trucks within the 150 feet limit.

Staff recommends that the Commission approve Resolution No. 25, Series 2017, recommending approval of the Draft Ordinance, amending Title 17 of the Louisville Municipal

Code regarding mobile retail food establishments, mobile food vehicles, mobile vending carts, and ice cream vendor regulations.

O'Connell asked the Commission for questions of the staff.

Rice asked about the city-sponsored event exemption.

Ritchie responded that city-sponsored vendors already have a high number of permit requirements and have to work directly with the city.

Rice stated that he was concerned that at city-sponsored events that vendors might show up and try to operate without a permit. He stated that the original intent had wanted to bring order to sponsored events.

Zuccaro replied that the intent of the staff was the food truck at the event would already be registered in that city.

Rice stated that the language needed to make that clear to avoid this issue.

Ritchie stated that staff would check the wording and make this very clear.

Moline asked if there were any operational requirements that staff would change.

Ritchie stated that as they had been administering the operational aspects of the ordinances, no big issues has come up.

Hsu asked about the 150 feet requirement in the original ordinances.

Ritchie stated that they left that language alone.

Hsu responded that the 150-foot measurement and the "radius" language is unclear. He proposed something like, "the distance shall be the shortest measurement based on the property perimeter or lot line."

O'Connell asked for public comment. Seeing none, she closed public comment period.

O'Connell stated that they would discuss the resolution with the two issues in mind – the 150-foot language and the language for city-sponsored events.

Motion made by Rice to approve Resolution 25 Series 2017 with two amendments, the first dealing with the 150-foot language and the second with the permitting for city-sponsored events. Seconded by Brauneis. Roll call vote. Motion passed unanimously.

DISCUSSION

Planning Commission Training Materials

Dean stated that the discussion was at the request of Commissioner Hsu.

Hsu stated that since there would be 3-4 new commissioners, the Commission should put together a packet to tell them how the commission worked. Hsu stated that reading the CCDSG and the IDDSG should not be a high priority for new commissioners. He requested that the Commission address what to present to new members.

O'Connell asked staff to recommend professional planning documents for the packet.

Sheets agreed that understanding the distinctions among SRUs, PUDs, etc. would be helpful.

Brauneis requested information on the sunshine laws.

Rice stated that a fellow commissioner took him through the ordinance that creates the Commission, the Comprehensive Plan, and the general issues that came before the Commission. This training was very helpful with the combination of the discussion and written material.

Dean stated that staff was preparing for the orientation for new commissioners. The new approach will be to provide a thumb drive with documents and hyperlinks instead of providing paper copies. Also, there may be more money in the budget for conferences and other training opportunities for everyone in 2018.

Sheets added that Robert's Rules of Order were helpful.

Moline added that training would help commissioners explain to the public audience how meetings proceed.

Sheets added that the public sometimes became confused about when they can talk.

Brauneis added that upcoming redevelopment issues would likely be more contentious and public clarity would be helpful.

Hsu stated that he was not sure if he was supposed to ask questions of the staff or the applicant in any given situation. He also asked about open-meeting laws.

Zuccaro stated that staff could put together a commission-specific meeting with the city attorney and that in a meeting with more than three people, there had to be public notice.

Rice asked if a training meeting fell under the sunshine laws.

Zuccaro stated that he thought they would require public disclosure.

Sheets stated that the city attorney could determine whether or not sunshine laws applied.

O'Connell asked for further comment from the Commission and from Dean.

Dean asked the Commission to make suggestions on the hyperlinked document when they receive it in January.

Moline stated that the commission had reserved study-session time and that these issues could be discussed in that forum, as well.

ITEMS TENTATIVELY SCHEDULED FOR THE REGULAR MEETING JANUARY 11TH, 2018

Clementine Commons (331 & 333 East St.): A Final Plat, Final PUD, and Utility Easement Vacation to allow for 42 Residential Townhouse lots and Common Areas on 3.7 acres zoned RM and with detention facilities and landscape improvements on the adjacent City-owned 1.44 acre parcel west of Hwy 42 and North of Lock St. (PUPL - 093-2017)

- Applicant: Louisville Gateway LLC
- Owner: Mike Jones and Michael Eisenstein

- Case Manager: Rob Zuccaro, Planning & Building Safety Director

Christ the Servant Lutheran Church (506 Via Appia): A request for a Special Review Use to allow the construction of an exterior columbarium (SRU under use category 22. Cemeteries) (SRU-0088-2017)

- Applicant: Christ the Servant Lutheran Church
- Owner: Christ the Servant Lutheran Church
- Case Manager: Lisa Ritchie, Associate Planner

Blue Parrot Landmark Sign (640 Main Street): A request for a PUD Amendment to implement an exterior sign program for the property at 640 Main Street.

- Applicant: 1882 Ventures, LLC
- Owner: 1882 Ventures, LLC
- Case Manager: Lisa Ritchie, Associate Planner

Lot 7, Block 4, CTC #1 PUD (602 Taylor Avenue): An application for a PUD to allow the construction of a 19,509 SF building and associated site improvements for a flex industrial building.

- Applicant: Chuck Ogsbury
- Owner: Motherlode Bldg, LLC
- Case Manager: Lisa Ritchie, Associate Planner

Zuccaro stated that it was possible that the upcoming applications could be ready by January 11th. He added that the proposed meetings section in the agenda was confusing people who thought those were on that night's agenda.

Brauneis stated that he was worried it might look like the Commission was trying to hide information from the public if they removed the planned agenda.

Zuccaro stated that the applications in development were all online, but there might be something lost in not including them on the agenda. He added that there were a number of applicants that did not make their initial public hearing deadlines and that including the tentative items on the agenda had confused some members of the public. The presentation schedule was dictated by when the applicant began the process. He added that the tentative items were included for the Commission. Staff could email a list of active applications to commissioners or use a hyperlink option.

Hsu stated he did not find the list particularly helpful.

Brauneis, Rice, and Sheets said the list was helpful to them.

Rice added that he would support a way to make the agenda easier to understand.

Sheets recommended using a page break on agendas of more than one page.

Rice asked for an update on the design guidelines panel.

Dean stated that staff selected Russell + Mills and City Council approved their contract on November 28th. Public meetings were slated for February and staff would provide more information at the January meeting.

Brauneis asked about adopting findings, which the Commission did not generally do. He stated it felt efficient, but previously they would approve conditions for approval.

Zuccaro responded that conditions were meant to be articulated specifically and verbatim.

O'Connell said the closest the Commission had come to making a condition was to suggest things for Council to pay attention to.

Zuccaro recommended that the Commission should make findings on applications.

Brauneis asked if findings were better than suggestions.

Zuccaro responded that findings were more better.

Hsu asked if there was a situation in which there could be disagreement over findings but agreement on the outcomes.

Zuccaro stated that motions with findings needed to be voted on as a whole.

Brauneis asked who would lead the January meeting.

Zuccaro stated that it could be the secretary, staff, or a volunteer commissioner. In that meeting they would vote for commission positions, as well.

Adjourn:

Sheets made a motion to adjourn, Moline seconded. O'Connell adjourned the meeting at 7:54 P.M.

VICINITY MAP

ITEM: SRU-0106-2017; 363 Centennial Pkwy – Rooftop Wireless Facility Special Review Use

PLANNER: Lisa Ritchie, Associate Planner

OWNER: CV 363 Centennial Parkway, LLC

REPRESENTATIVE: John Dahl
Sure-Site, LLC
10617 W. 31st Place
Lakewood, CO 80215

EXISTING ZONING: Planned Community Zone District - Commercial

LOCATION: 363 Centennial Parkway

TOTAL SITE AREA: 4.85 Acres

REQUEST: Approval of Resolution 1, Series 2018 recommending approval of a Special Review Use to allow the construction of a roof mounted CMRS facility.



SUMMARY: The applicant, Sure-Site, LLC, requests approval of a Special Review Use (SRU) to allow the construction of a roof mounted Commercial Mobile Radio Service (CMRS) facility. The facility includes 12 new panel antennas and associated accessory equipment, all mounted on the roof. The applicant proposes to expand the existing roof top equipment screening and locate all antenna and equipment entirely behind screening. The new screening will blend with the existing screening, and does not result in additional height.

BACKGROUND:

The property was annexed to the City of Louisville in 1979, zoned Planned Commercial Zone District – Commercial in 1984 as part of the Centennial Valley General Development Plan, and platted as Lot F, Centennial Valley Business Park Filing No. 8 in 1998. A PUD was approved for the property in 1998 allowing the construction of the existing building on the property.

The existing building on the subject property is a 3-story office building constructed primary of split-face CMU block. The building is roughly 44'-8" tall at the existing top of the parapet wall. Additionally, there is existing roof-top mechanical equipment screening that is 8'-0" tall, bringing the overall height of the building to 52'-8".

The SRU request comes forward to the Planning Commission in accordance with Section 17.42 of the Louisville Municipal Code (LMC) entitled, 'Telecommunications / CMRS Facilities'. Section 17.42 provides specific regulations related to the location, height, design, construction and review for CMRS facilities.

Section 17.08 defines CMRS facilities as follows:

17.08.076. – CMRS: “ *means commercial mobile radio services and is a facility consisting of equipment for the reception, switching or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power, and utilizing frequencies authorized by the Federal Communications Commission for cellular, paging, enhanced specialized mobile radio, personal communications systems telecommunication services, point to point microwave signals, signals through FM radio transmitters, and signals through FM boosters under ten watts effective radiated power*”.

17.08.047 Building mounted CMRS facility: “*means any facility where the CMRS antennae are proposed to be mounted on an existing or proposed building, and excluding any facility meeting the definition of a freestanding CMRS facility or the definition of an alternative tower structure*”.

Section 17.42.020 of the LMC outlines the types of CMRS facilities and locations by zone district where such facilities are allowed and the associated review process applicable to the specific type of facility.

Staff has determined the requested CMRS facility meets the definition of a building mounted facility as the antennae are mounted on the roof of an existing building. As a

building mounted facility in the PCZD-C zone district, the facility is required to secure approval of a Special Review Use (SRU) as defined in Section 17.40 of the LMC. Because the antenna exceed the allowed maximum height of 35 feet in the zone district and the panel antenna six feet in height above the parapet, the application is not eligible for administrative review and the SRU and waivers must be approved by City Council following review and recommendation by the Planning Commission. While the waiver for the panel height above the parapet can be approved through the SRU process, LMC Section 17.42.030 specifies that any height waiver must be approved through the PUD or variance process. As such, staff has reviewed the height waiver in light of the PUD waiver criteria.

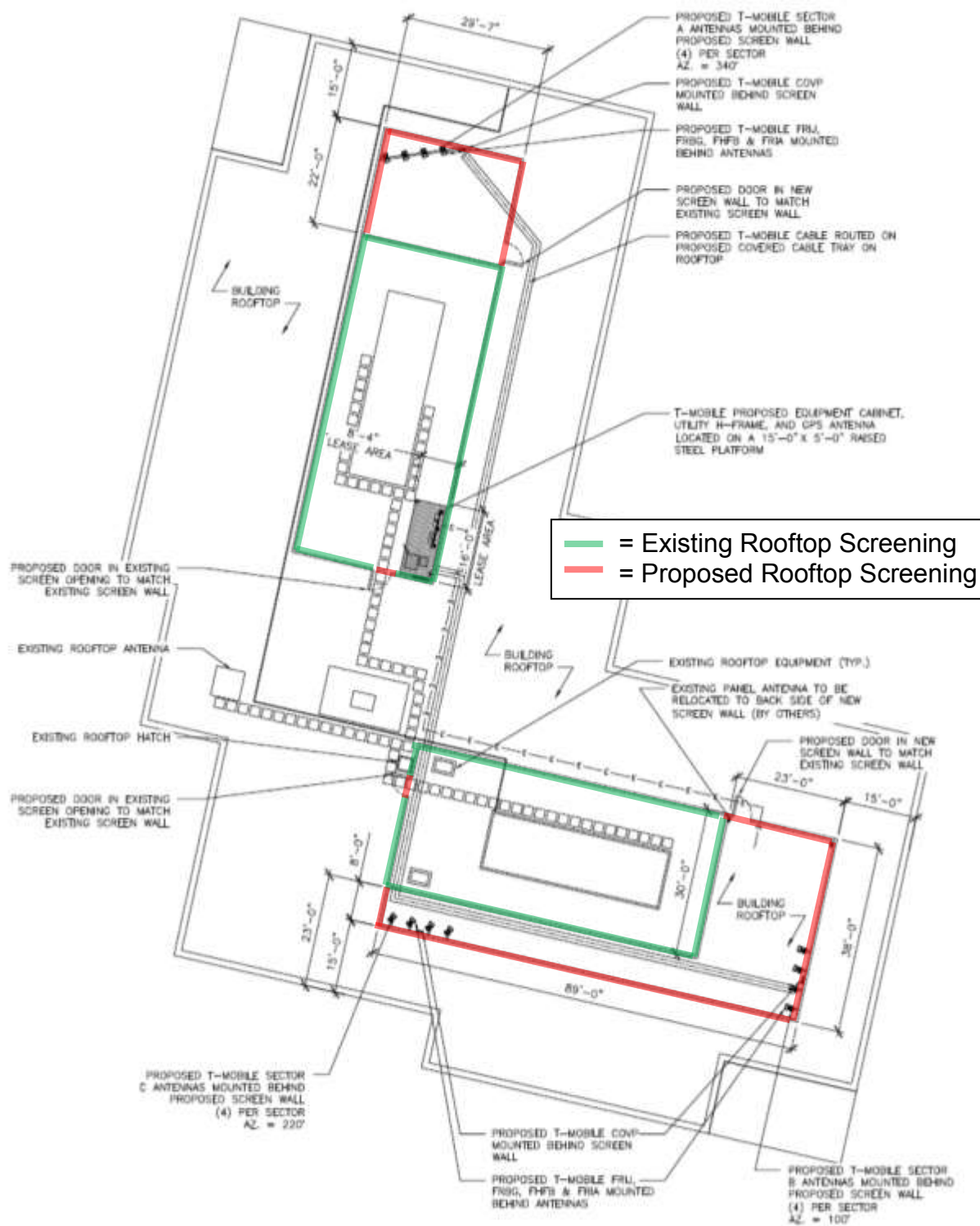
PROPOSAL:

The applicant proposes screening the 12 new antennas and associated accessory equipment behind an expanded 8-foot tall rooftop screen wall. The screen wall extension will match the color of the new screen wall to the existing, but the new wall section will be constructed with a different material that does not inhibit wireless signals. The total footprint of the existing screen walls is 3,800 square feet, and 1,900 square feet of new area will be added with this proposal, bring the total area to 5,700 square feet. The applicant also proposes to fill in existing gaps in the wall to improve the overall aesthetics of the screening.

Figure 1: Photo of 363 Centennial Parkway, looking northeast



Figure 2: 363 Centennial Parkway Roof Plan



[illegible]

The proposal is subject to Chapter 17.42 (CMRS) and approval criteria in 17.40.010 (SRUs) of the Louisville Municipal Code and the height waivers require compliance with the waiver criteria in Sec. 17.28.110 (PUDs).

The application complies with all design and technical requirements of Chapter 17.42, with the exception of the two height provisions discussed above. Staff finds the application complies with the design requirements for roof mounted CMRS facilities, and finds that the increased screened area accommodating the facility meets the requirements in the LMC, including architectural compatibility for new screening materials that are set back from the parapet edge.

Compliance with LMC Sec. 17.40.010 – Special Review Uses

1. *That the proposed use/development is consistent in all respects with the spirit and intent of the comprehensive plan and of this chapter, and that it would not be contrary to the general welfare and economic prosperity of the city or the immediate neighborhood;*

It is the intent of the provisions of Chapter 17.42 to provide a high level of communication services to the residents of the City. The purpose of this request is to accommodate the growth of the telecommunications industry in a reasonable manner that is consistent with the community aesthetic and design goals. **Staff finds the proposal meets this criterion.**

2. *That such use/development will lend economic stability, compatible with the character of any surrounding established areas;*

Staff finds the facility meets the intent of the design standards in Chapter 17.42. New screening elements are incorporated into the design to minimize visual impacts and are consistent with the design of existing screening. To ensure that the color and texture of the new screen material matches the existing screening, staff suggests a condition of approval requiring sample materials. The overall height of the facility does not exceed the existing conditions on the property. **Staff finds the proposal meets this criterion.**

3. *That the use/development is adequate for internal efficiency of the proposal, considering the functions of residents, recreation, public access, safety and such factors including storm drainage facilities, sewage and water facilities, grades, dust control and such other factors directly related to public health and convenience;*

The facility is located entirely on the roof and will not impact overall functionality of the site. **Staff finds the proposal meets this criterion.**

4. *That external effects of the proposal are controlled, considering compatibility of land use; movement or congestion of traffic; services, including arrangement of signs and lighting devices as to prevent the occurrence of nuisances; landscaping and other similar features to prevent the littering or accumulation of trash, together with other factors deemed to effect public health, welfare, safety and convenience;*

There are no aspects of the proposal which will generate any external impacts with regard to traffic and circulation, lighting, or have a negative effect on the public health, welfare, safety and convenience. **Staff finds the proposal meets this criterion.**

5. *That an adequate amount and proper location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.*

The proposal is contained entirely on the roof and will not impact the existing site plan for the subject property. The existing parking and circulation is adequate and functions to meet the needs of the property. **Staff finds the proposal meets this criterion.**

Compliance with LMC Sec. 17.28.110 for Height Waiver

Staff finds the proposal complies with the spirit and intent of the criteria in 17.28.120, and that the waivers are warranted by the design and amenities incorporated in the proposal. While the CMRS facility itself exceeds the standards for overall height and for panel antenna height above a parapet, the proposal does not result in additional height on the building. The expanded screening will match the existing screening and is of an appropriate scale to the building and set back from the parapet edge. Alternatively, the applicant could install wall mounted panel at a lower height, meeting the LMC requirements, but would achieve a lower level of improved communication service. The proposal also further satisfies the overall intent of the purpose of the CMRS regulations by offering a higher level of communication services to the citizens of the city.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 1, Series 2018 recommending approval of a Special Review use to allow the construction of a roof mounted CMRS facility, with the following condition:

1. Prior to the City Council public hearing, the applicant shall provide material samples demonstrating the new enclosure material matches the color and texture of the existing enclosure.

ATTACHMENTS:

1. Resolution No. 1, Series 2018
2. Application Materials
3. SRU drawings
4. Photo Simulations
5. Coverage exhibit

**RESOLUTION NO. 1
SERIES 2018**

**A RESOLUTION RECOMMENDING APPROVAL OF A REQUEST FOR A SPECIAL
REVIEW USE TO ALLOW THE CONSTRUCTION OF A ROOF MOUNTED CMRS
FACILITY FOR PROPERTY AT 363 CENTENNIAL PARKWAY**

WHEREAS, there has been submitted to the Louisville Planning Commission an application for approval of a request for a Special Review Use to allow the construction of a roof mounted CMRS facility for property at 363 Centennial Parkway; and

WHEREAS, the City Staff has reviewed the information submitted and found that, with a condition, the application complies with the Louisville zoning regulations, with waivers, and other applicable sections of the Louisville Municipal Code; and

WHEREAS, the Planning Commission has considered the application at a duly noticed public hearing on January 11, 2018, where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission Staff Report dated January 11, 2018.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of a request for a Special Review Use to allow the construction of a roof mounted CMRS facility for property at 363 Centennial Parkway, with the following condition:

1. Prior to the City Council public hearing, the applicant shall provide material samples demonstrating the new enclosure material matches the color and texture of the existing enclosure.

PASSED AND ADOPTED this 11th day of January, 2018.

By: _____
_____, Chair
Planning Commission

Attest: _____
_____, Secretary
Planning Commission

LAND USE APPLICATION

CASE NO. _____

APPLICANT INFORMATION

Firm: Sure-Site LLC
Contact: John Dahl
Address: 10617 W 31st Pl.
Lakewood CO
Mailing Address: same 80215
Telephone: 303-579-9866
Fax: _____
Email: j.dahl@sure-site.com

OWNER INFORMATION

Firm: CV 363 Centennial Pkwy
Contact: Walt Kuebel LLC
Address: 5291 E. Yale
Denver CO 80222
Mailing Address: _____
Telephone: 303-300-8797
Fax: _____
Email: _____

REPRESENTATIVE INFORMATION

Firm: Sure-Site LLC
Contact: John Dahl
Address: 10617 W 31st Pl.
Lakewood CO 80215
Mailing Address: 10617 W 31st Pl.
Lakewood CO 80215
Telephone: 303-579-9866
Fax: _____
Email: j.dahl@sure-site.com

PROPERTY INFORMATION

Common Address: 363 Centennial Pkwy
Legal Description: Lot F Blk _____
Subdivision Centennial Valley
Area: _____ Sq. Ft. Business

TYPE (S) OF APPLICATION

- ☐ Annexation
- ☐ Zoning
- ☐ Preliminary Subdivision Plat
- ☐ Final Subdivision Plat
- ☐ Minor Subdivision Plat
- ☐ Preliminary Planned Unit Development (PUD)
- ☐ Final PUD
- ☐ Amended PUD
- ☐ Administrative PUD Amendment
- ☐ Special Review Use (SRU)
- ☒ SRU Amendment
- ☐ SRU Administrative Review
- ☐ Temporary Use Permit: _____
- ☒ CMRS Facility: _____
- ☐ Other: (easement / right-of-way; floodplain; variance; vested right; 1041 permit; oil / gas production permit)

PROJECT INFORMATION

Summary: Install New
Antennas and
Screens on
363 Centennial
Parkway for
T-Mobile site

Current zoning: CC Proposed zoning: CC

SIGNATURES & DATE

Applicant: John Dahl
Print: John Dahl
Owner: Walt Kuebel
Print: Walt Kuebel
Representative: _____
Print: _____

CITY STAFF USE ONLY

- ☐ Fee paid: _____
- ☐ Check number: _____
- ☐ Date Received: _____

December 1, 2017

Louisville CO

Re: Installation of T-Mobile Antenna on 363 Centennial Parkway

To the City of Louisville:

We are requesting that the City of Louisville allow T-Mobile to install new antennas on 363 Centennial Parkway. The antennas will not be visible as we will extend the existing screen walls that are currently on the building roof.

There will be very little change in the existing look of the property. This installation will be an asset to the City as this will increase the availability of Cellular services in the area.

Therefore, we are requesting that you approve our new installation on the roof of 363 Centennial Parkway.

Sincerely,



John A. Dahl

Suresite LLC

T-Mobile

CENTENNIAL VALLEY

DN01666B

SPECIAL REVIEW USE

363 CENTENNIAL PKWY., LOUISVILLE, CO 80027

PROJECT INFORMATION

PROJECT DESCRIPTION:

T-MOBILE PROPOSES TO ADD A NEW WIRELESS TELECOMMUNICATIONS FACILITY ON THE ROOF OF AN EXISTING BUILDING CONSISTING OF THE FOLLOWING:

- INSTALL (12) NEW PANEL ANTENNAS (4 PER SECTOR)
- INSTALL (24) NEW RRHS (8 PER SECTOR)
- INSTALL (3) NEW JUMPER BREAKOUT CANISTERS (1 PER SECTOR)
- INSTALL (3) NEW HYBRID CABLES (1 PER SECTOR)
- INSTALL (1) NEW EQUIPMENT CABINET
- INSTALL (1) NEW UTILITY H-FRAME
- INSTALL (1) GPS ANTENNA
- INSTALL (1) NEW RAISED STEEL PLATFORM ON THE EXISTING ROOFTOP

APPLICANT:

T-MOBILE WEST
18400 E. 22ND AVENUE
AURORA, CO 80011

PROPERTY OWNER:

CV 363 CENTENNIAL PARKWAY LLC
KOEBEL & COMPANY
5291 E. YALE AVENUE
DENVER, CO 80222

CODE INFORMATION:

ZONING CLASSIFICATION: PLANNED COMMUNITY ZONE DISTRICT -
COMMERCIAL

LANDLORD CONTACT INFORMATION

WALT KOEBEL
303.300.8797

PREVIOUS APPROVALS:

CENTENNIAL VALLEY - LOT 2 PLANNED UNIT DEVELOPMENT
MAXIMUM HEIGHT FOR MECHANICAL SCREEN - 52'-0"
APPROVED JANUARY 6, 1997

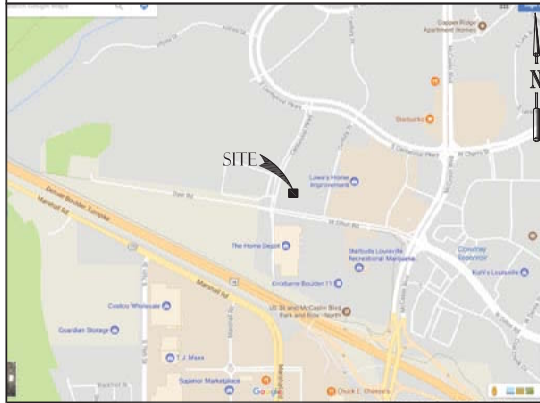
SITE ACQUISITION:

CHRIS REPP
c.repp@sure-site.com
PH: (216) 342-9614

JURISDICTION

CITY OF LOUISVILLE
749 MAIN STREET
LOUISVILLE, CO 80027
303.335.4584

VICINITY MAP



DRAWING INDEX

SHEET DESCRIPTION

- | | |
|--------|----------------------------|
| 1 OF 5 | TITLE SHEET |
| 2 OF 5 | SITE PLAN |
| 3 OF 5 | ROOF PLAN & EQUIPMENT PLAN |
| 4 OF 5 | SOUTHWEST ELEVATIONS |
| 5 OF 5 | NORTHWEST ELEVATIONS |

LEGAL DESCRIPTION

LOT F, CENTENNIAL VALLEY BUSINESS PARK, FILING
NO. B, COUNTY OF BOULDER, STATE OF COLORADO.

T-Mobile

T-MOBILE WEST
18400 E. 22ND AVENUE
AURORA, CO 80011



7535 E. HAMPTON AVE., #400
DENVER, CO 80224

DRAWN BY: CWM

CHECKED BY: TH

REVISIONS

NO.	DATE	DESCRIPTION	INITIAL
A	08/22/17	ISSUED FOR 2D REVIEW	RC
B	08/22/17	ISSUED FOR 2D REVIEW	RC
C	12/18/17	CITY COMMENTS	RSL
D	01/03/18	CITY COMMENTS	RSL

NOT FOR CONSTRUCTION UNLESS
LABELED AS CONSTRUCTION SET

CENTENNIAL VALLEY

DN01666B

363 CENTENNIAL PKWY.,
LOUISVILLE, CO 80027

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ENGINEER, TO ALTER THIS DOCUMENT

SHEET TITLE
TITLE SHEET

SHEET NUMBER

1 OF 5

PROJECT TEAM

SITE AC/PROJECT MANAGER

SURESITE CONSULTING GROUP, LLC
7535 E. HAMPTON AVENUE, #400
DENVER, CO 80224
CONTACT: CHRIS REPP
PH: 216.342.9614
EMAIL: c.repp@sure-site.com

CITY COUNCIL CERTIFICATE

APPROVED THIS ____ DAY OF _____, 200__ BY THE CITY
COUNCIL OF THE CITY OF LOUISVILLE, COLORADO.
RESOLUTION NO. _____ SERIES _____

MAYOR

CITY CLERK

SEAL

PLANNING COMMISSION CERTIFICATE

RECOMMENDED APPROVAL THIS ____ DAY OF _____, 200__ BY
THE PLANNING COMMISSION OF THE CITY OF LOUISVILLE, COLORADO.
RESOLUTION NO. _____ SERIES _____

OWNERSHIP SIGNATURE BLOCK

Witness our hands and seals this ____ day of _____, 200__.

OWNER - (Name)

NOTARY

SEAL

MY COMMISSION EXPIRES _____

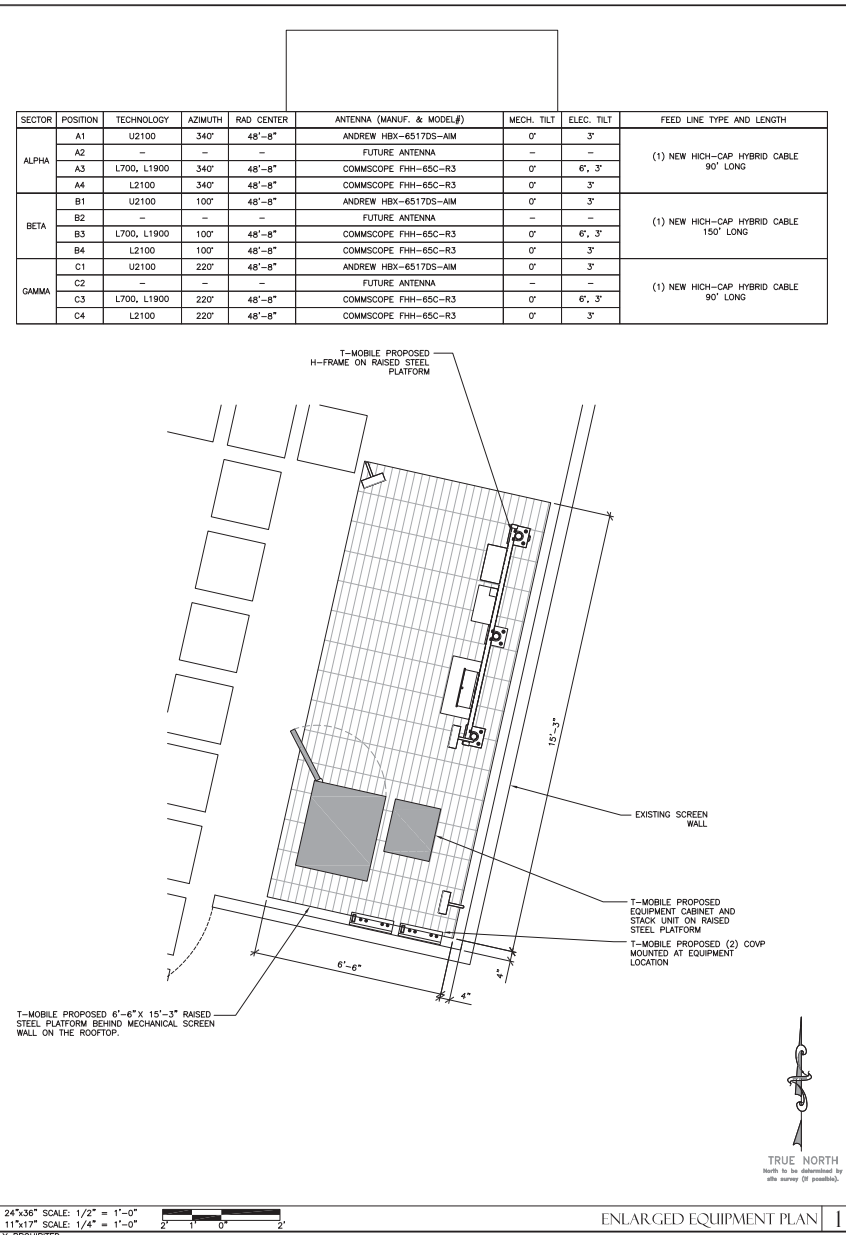
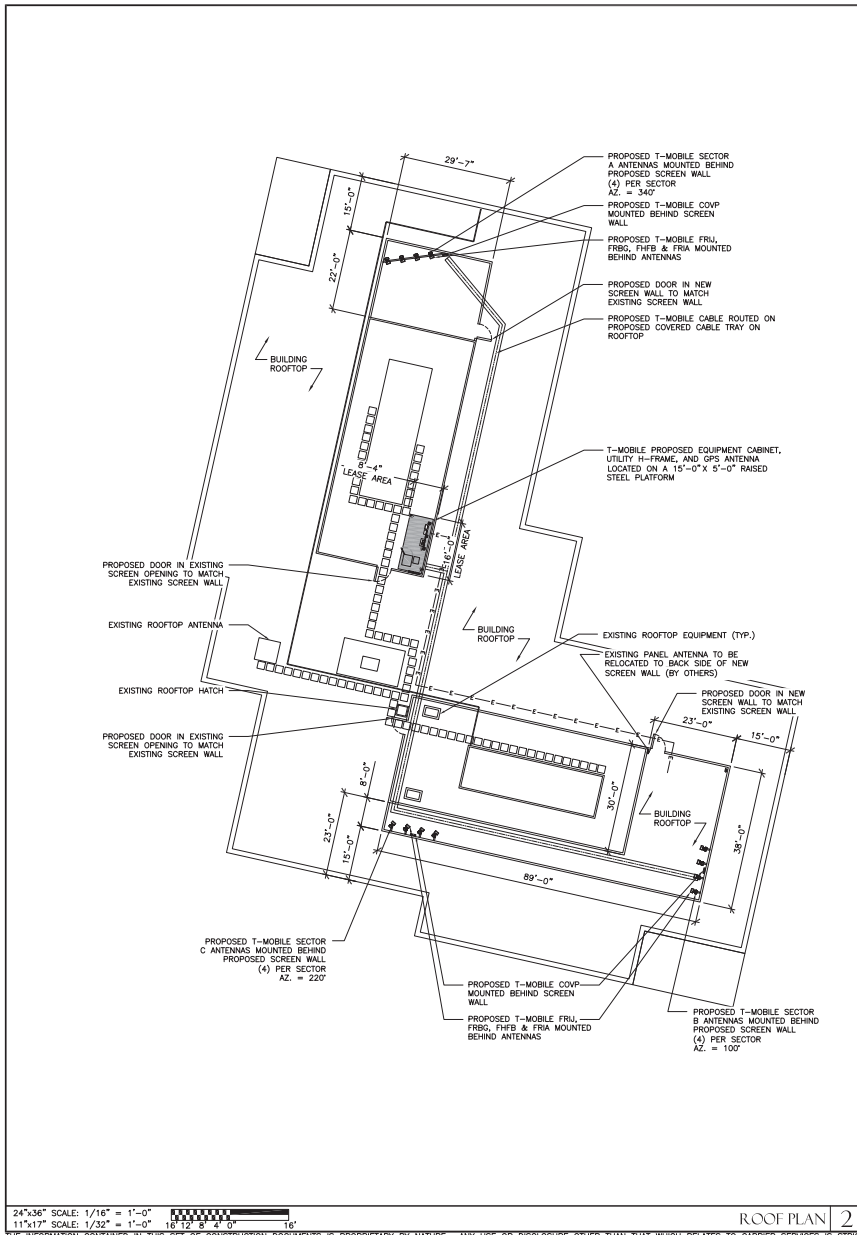
CLERK AND RECORDER CERTIFICATE

(COUNTY OF BOULDER
STATE OF COLORADO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT
O'CLOCK, ____ M., THIS ____ DAY OF _____, 200__, AND
IS RECORDED IN PLAN FILE _____, FEE _____ PAID
FILM NO. _____, RECEPTION _____

CLERK & RECORDER

DEPUTY



T-MOBILE WEST
18400 E. 20TH AVENUE
AURORA, CO 80011

7535 E. HAMPTON AVE. #400
DENVER, CO 80224

DRAWN BY: CWM
CHECKED BY: TH

REVISIONS

NO.	DATE	DESCRIPTION	INITIAL
A	08/22/17	ISSUED FOR 2D REVIEW	RC
B	10/27/17	ISSUED FOR 2D REVIEW	RC
C	12/18/17	CITY COMMENTS	RSL
D	01/03/18	CITY COMMENTS	RSL

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CENTENNIAL VALLEY
DN01666B
363 CENTENNIAL PKWY.
LOUISVILLE, CO 80027

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SHEET TITLE
ROOF PLAN & EQUIPMENT PLAN

SHEET NUMBER
3 OF 5

T-Mobile
T-MOBILE WEST
18400 E. 20TH AVENUE
AURORA, CO 80011



7535 E. HAMPTON AVE. #400
DENVER, CO 80224

DRAWN BY: CWM

CHECKED BY: TH

REVISIONS

NO.	DATE	DESCRIPTION	INITIAL
A	08/22/17	ISSUED FOR 2D REVIEW	RC
B	08/22/17	ISSUED FOR 2D REVIEW	RC
C	12/18/17	CITY COMMENTS	RSL
D	01/03/18	CITY COMMENTS	RSL

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CENTENNIAL VALLEY

DN01666B

363 CENTENNIAL PKWY.
LOUISVILLE, CO 80027

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SHEET TITLE
SOUTHWEST ELEVATIONS

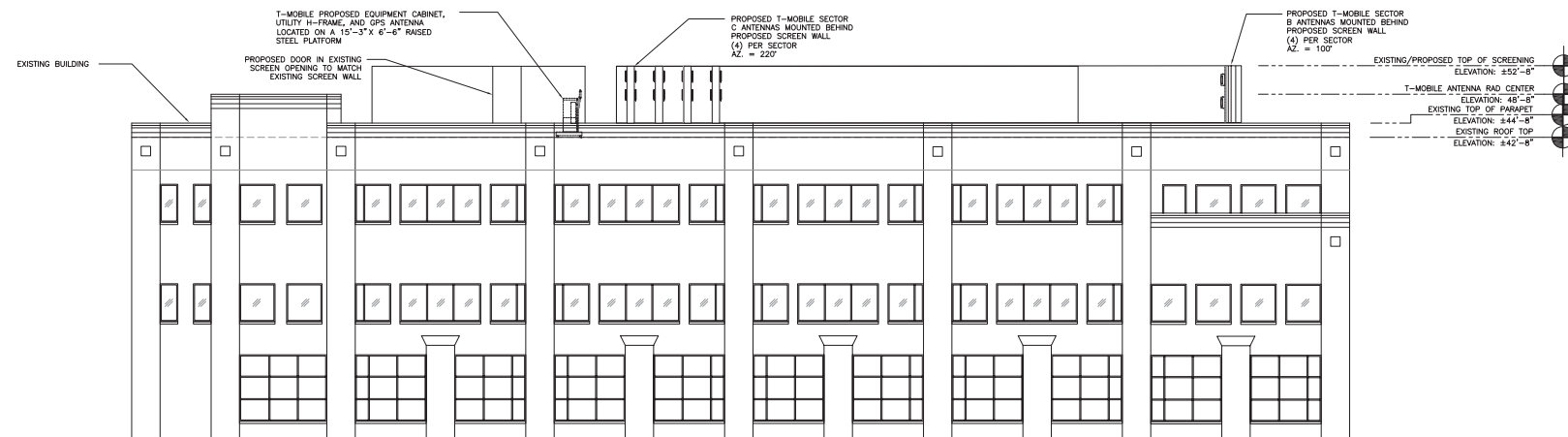
SHEET NUMBER
4 OF 5



24"x36" SCALE: 1/8" = 1'-0"
11"x17" SCALE: 1/16" = 1'-0"



EXISTING SOUTHWEST ELEVATION | 2

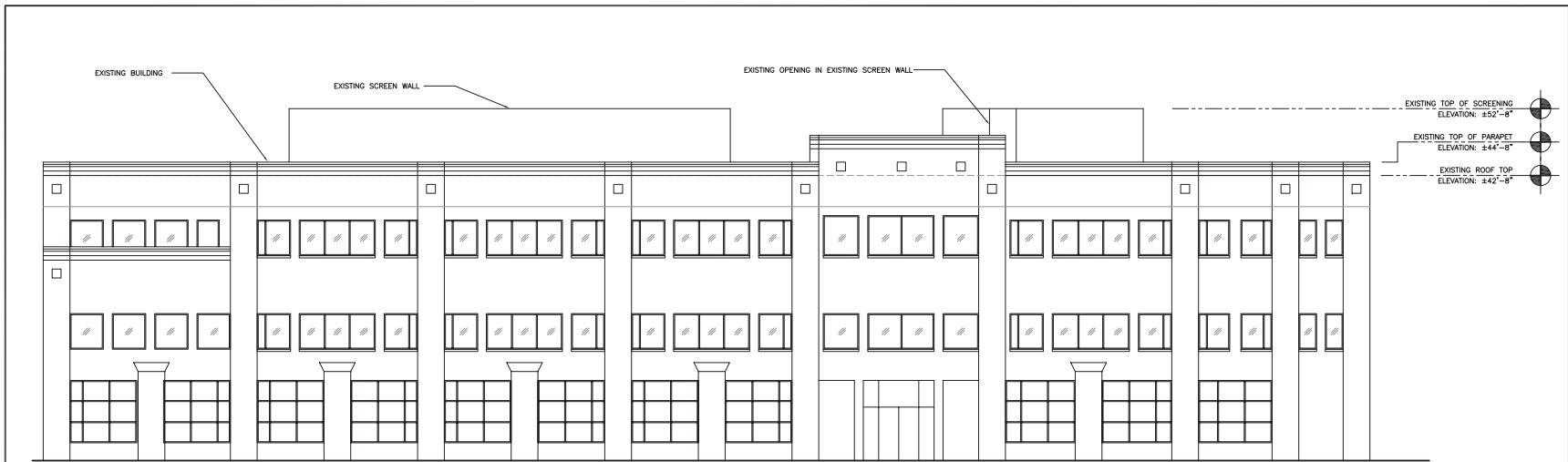


24"x36" SCALE: 1/8" = 1'-0"
11"x17" SCALE: 1/16" = 1'-0"



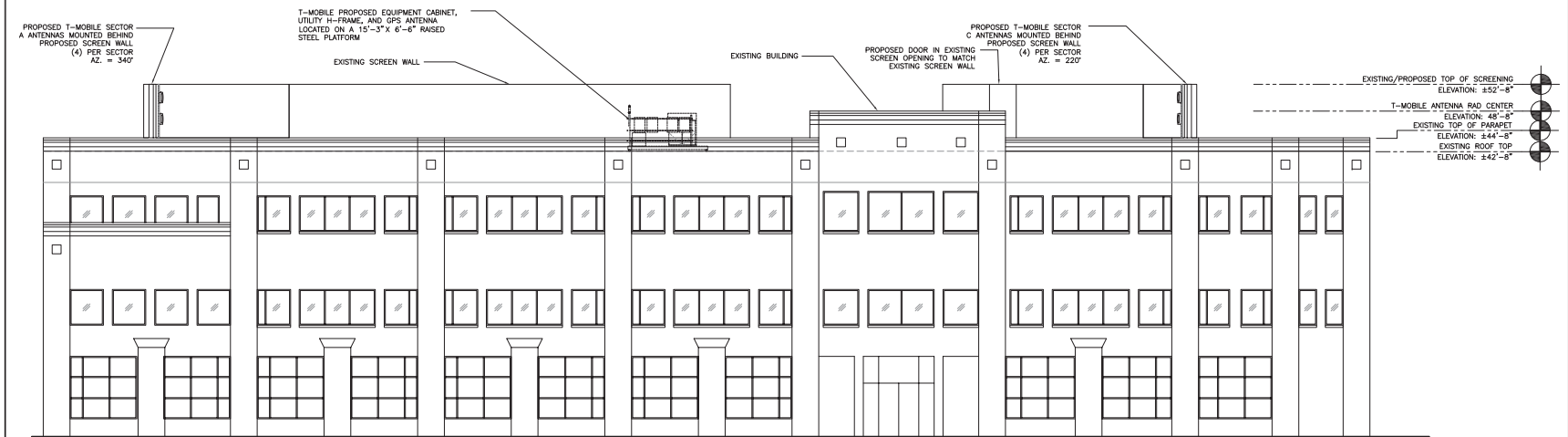
PROPOSED SOUTHWEST ELEVATION | 1

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



24"x36" SCALE: 1/8" = 1'-0"
11"x17" SCALE: 1/16" = 1'-0"

EXISTING NORTHWEST ELEVATION 2



24"x36" SCALE: 1/8" = 1'-0"
11"x17" SCALE: 1/16" = 1'-0"

PROPOSED NORTHWEST ELEVATION 1

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

T-Mobile
T-MOBILE WEST
18400 E. 20TH AVENUE
AURORA, CO 80011

SURESITE
7535 E. HAMPTON AVE. #400
DENVER, CO 80224

DRAWN BY: CWM

CHECKED BY: TH

REVISIONS				
NO.	DATE	DESCRIPTION	INITIAL	
A	08/22/17	ISSUED FOR ZD REVIEW	RC	
B	08/22/17	ISSUED FOR ZD REVIEW	RC	
C	12/18/17	CITY COMMENTS	RSL	
D	01/03/18	CITY COMMENTS	RSL	

NOT FOR CONSTRUCTION UNLESS
LABELED AS CONSTRUCTION SET

CENTENNIAL VALLEY
DN01666B
363 CENTENNIAL PKWY.
LOUISVILLE, CO 80027

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SHEET TITLE
NORTHWEST ELEVATIONS

SHEET NUMBER
5 OF 5



DN01666B Centennial Valley
363 Centennial Parkway
Louisville, CO 80027



View 1 of 2 - North Elevation looking South



December 18, 2017

Prepared by: RGL



DN01666B Centennial Valley
363 Centennial Parkway
Louisville, CO 80027



View 2 of 2 - Southwest Elevation looking Northeast



December 18, 2017

Prepared by: RGL



18400 East 22nd Avenue
Aurora, CO 80011

T-Mobile Site DN01666B RF Justification

T-Mobile is requesting to build a new wireless telecommunication facility on the roof of an existing building, 363 Centennial Pkwy, Louisville CO 80027, with a height of 53' AGL in order to provide new coverage and improved existing service coverage and quality in the residential, public and industrial areas and have continuous coverage between existing sites and offer offload solution to congested sites (DN01001P, DN03468E & DN03003A). Enhanced coverage and improved service will affect the residential areas, official and public buildings and industrial zones as follows:

Residential areas

- Along S McCaslin Blvd from Via Appia Way to Denver-Boulder Turnpike
- W Dyer Rd, Dillon RD
- Centennial Pwy, W Dahlia St
- All areas within these perimeters

Industrial and commercial areas

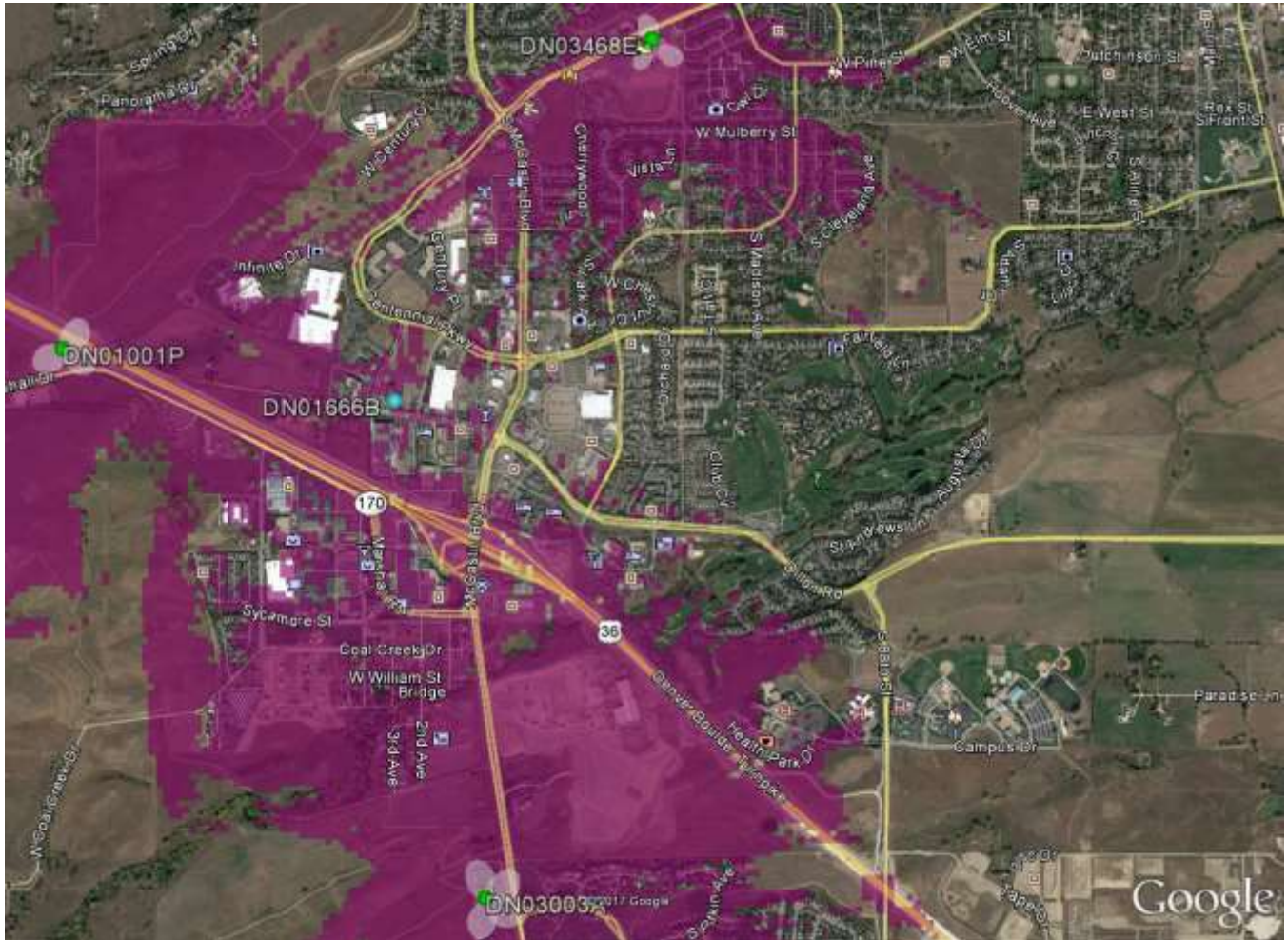
- Along McCaslin Blvd
- Along W Dahlia St
- Along Century Pl
- Along Centennial Pwy

Official and Public buildings

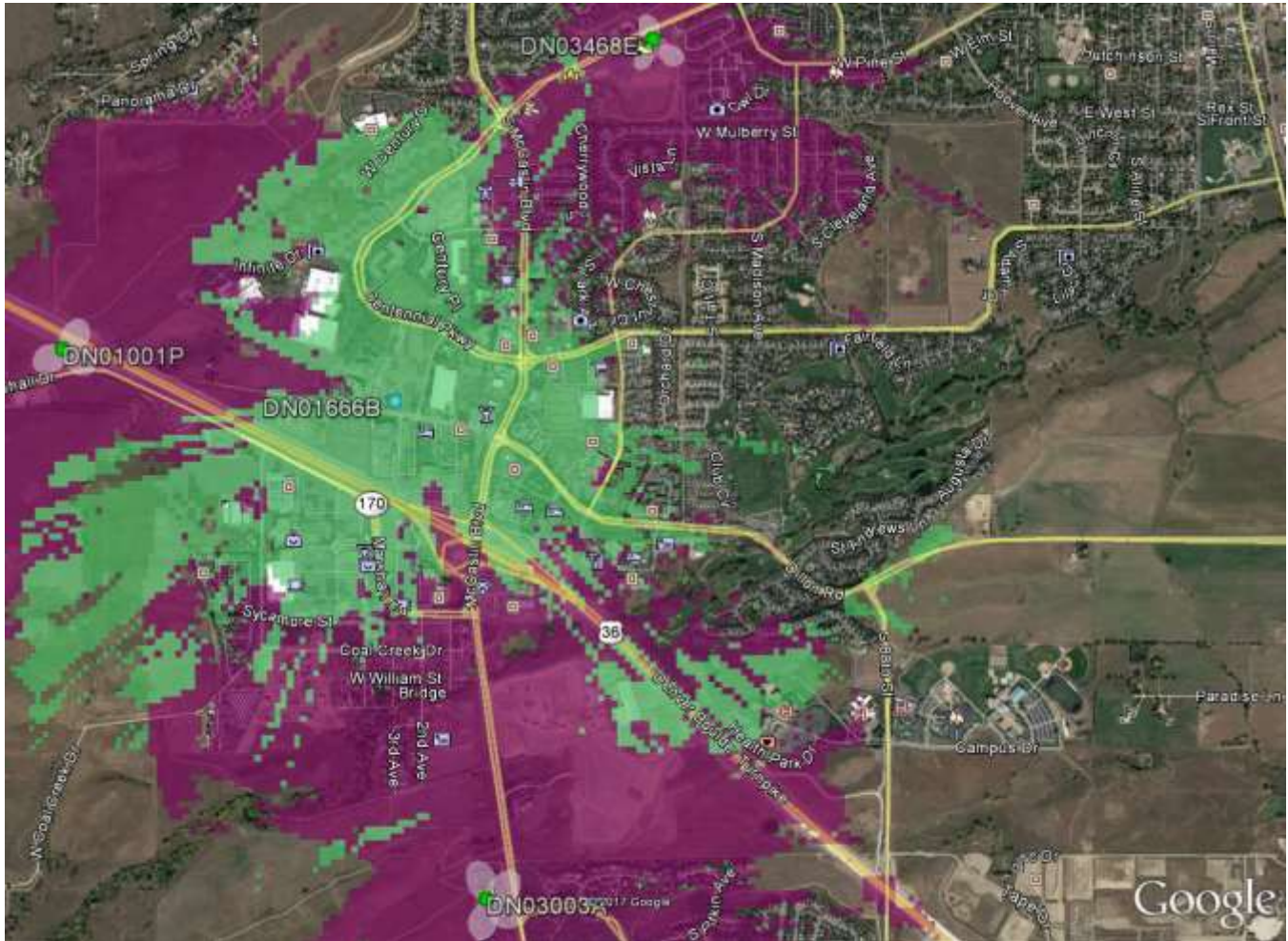
- US Post Office
- Superior Police Dept.

The accompanying coverage prediction plots exhibit the need for this height and location. The colored pink shade shows "In-Building Residential" quality coverage. The green colored shade shows additional "In-Building Residential" quality coverage at a height of 52'. The orange shade shows coverage at a lower height with antennas on the side of the building at 44'

Existing T-Mobile Coverage



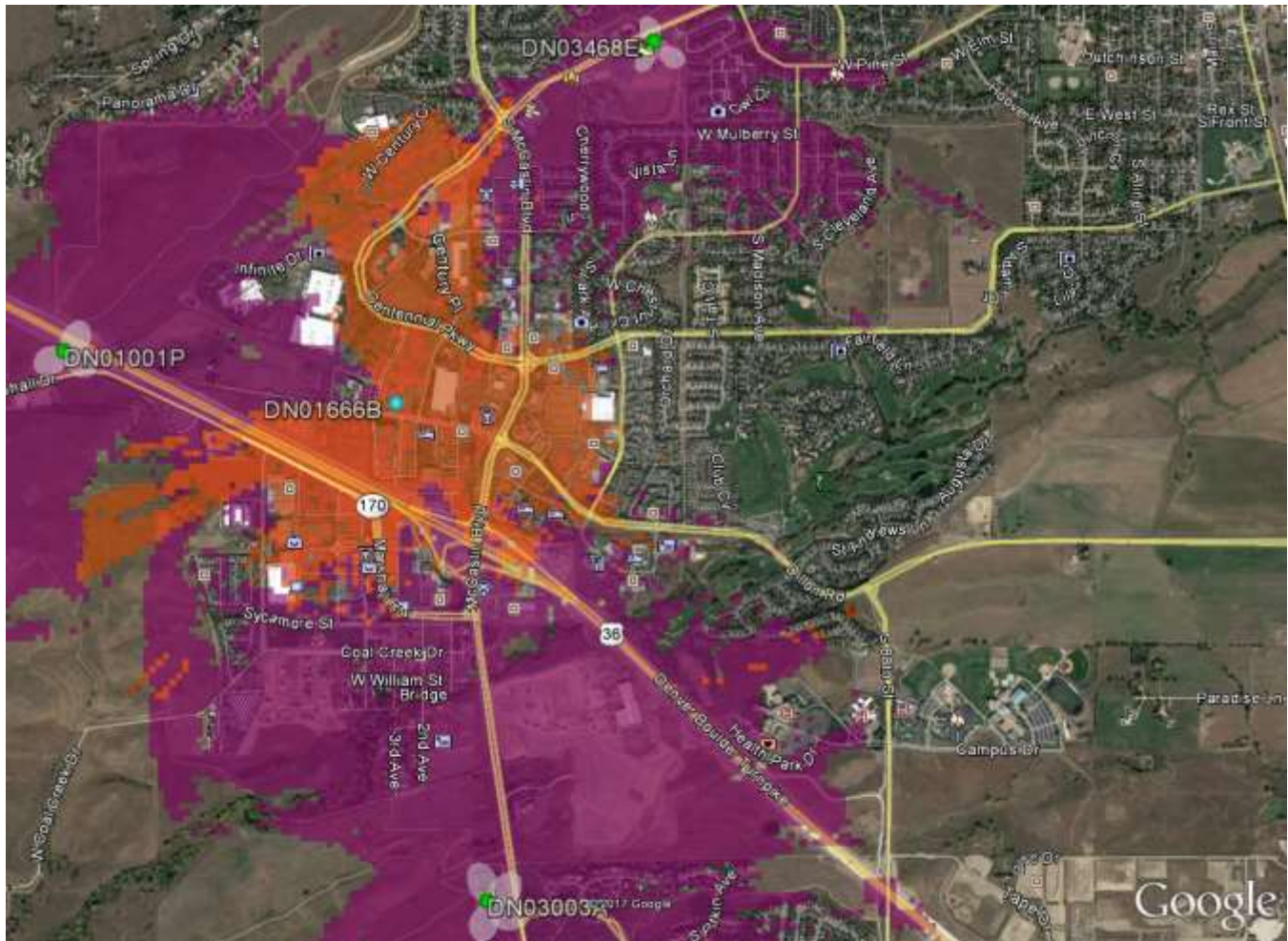
Proposed coverage with DN01666B at 52'



There is improvement in coverage and service quality around the proposed site and in all areas listed above. We have continuous coverage between existing sites. There is a small gap along W Dahlia St, but we are meeting most of our coverage objectives.

Because this is a dense residential community the number of homes benefiting from quality coverage is reduced significantly with height limitations. Additional height would be required to completely fill in the gaps, but T-Mobile engineers believe 52' is a good compromise, allowing for better indoor coverage for the customers. In addition, this new site will provide significant offload of neighboring congested cell sites as DN01001P, DN03468E & DN03003A alleviating current call performance issues and providing a buffer for future network traffic growth.

Coverage with DN01666B at 44'



There is improvement in coverage and service quality around DN01666B. At 44' this location will not meet the coverage objectives, several areas remain without coverage:

- Along McCaslin Blvd
- Along W Dahlia St
- Along Centennial Pkwy

There is no continuous coverage between the existing sites; DN01666B is not providing offload to DN03003A.

Open Government & Ethics Pamphlet 2018



City Clerk's Office
749 Main Street
Louisville CO 80027
www.louisvilleCO.gov
info@louisvilleCO.gov
303.335.4533

Table of Contents

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Executive Sessions	5
Ethics	5
Other Laws on Citizen Participation.....	7
Public Involvement Policy	8

Participation in Government

The City of Louisville encourages citizen involvement and participation in its public policy process. There are many opportunities for citizens to be informed about and participate in City activities and decisions. All meetings of City Council, as well as meetings of appointed Boards and Commissions, are open to the public and include an opportunity for public comments on items not on the agenda. No action or substantive discussion on an item may take place unless that item has been specifically listed as an agenda item for a regular or special meeting. Some opportunities for you to participate include:

Reading and inquiring about City Council activities and agenda items, and attending and speaking on topics of interest at public meetings

City Council Meetings:

- Regular meetings are generally held on the first and third Tuesdays of each month at 7:00 PM in the City Council Chambers, located on the second floor of City Hall, 749 Main Street;
- Study sessions are generally held on the second and fourth Tuesdays of each month at 7:00 PM in the Library Meeting Room, located on the first floor of the Library, 951 Spruce Street;
- Regular meetings are broadcast live on Comcast Cable Channel 8 and copies of the meeting broadcasts are available on DVD in the City Manager's Office beginning the morning following the meeting;
- Regular meetings are broadcast live and archived for viewing on the City's website at www.LouisvilleCO.gov.
- Special meetings may be held occasionally on specific topics. Agendas are posted a minimum of 48 hours prior to the meeting.

Meeting agendas for all City Council meetings, other than special meetings, are posted a minimum of 72 hours prior to the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City website at www.LouisvilleCO.gov

Meeting packets with all agenda-related materials are available 72 hours prior to each meeting and may be found at these locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk's Office, City Hall, 749 Main Street,
- City website at www.LouisvilleCO.gov

You may receive eNotifications of City Council news as well as meeting agendas and summaries of City Council actions. Visit the City's website (www.LouisvilleCO.gov) and look for the eNotification link to register.

After they are approved by the City Council, meeting minutes of all regular and special meetings are available in the City Clerk's office and on the City's website (www.LouisvilleCO.gov).

Information about City activities and projects, as well as City Council decisions, is included in the *Community Update* newsletter, mailed to all City residents and businesses. Information is also often included in the monthly utility bills mailed to City residents.

Communicating Directly with the Mayor and City Council Members

Contact information for the Mayor and City Council members is available at www.LouisvilleCO.gov, as well as at City Hall, the Louisville Public Library, and the Recreation/Senior Center. You may email the Mayor and City Council as a group at CityCouncil@LouisvilleCO.gov.

Mayor's Town Meetings and City Council Ward Meetings are scheduled periodically. These are informal meetings at which all residents, points of view, and issues are welcome. These meetings are advertised at City facilities and on the City's website (www.LouisvilleCO.gov).

Mayor or City Council Elections

City Council members are elected from three Wards within the City and serve staggered four-year terms. There are two Council representatives from each ward. The mayor is elected at-large and serves a four-year term. City Council elections are held in November of odd-numbered years. For information about City elections, including running for City Council, please contact the City Clerk's Office, first floor City Hall, 749 Main Street, or call 303.335.4571.

Serving as an Appointed Member on a City Board or Commission

The City Council makes Board and Commission appointments annually. Some of the City's Boards and Commissions are advisory, others have some decision-making powers. The City Council refers questions and issues to these appointed officials for input and advice. (Please note the Youth Advisory Board has a separate appointment process.) The City's Boards and Commissions are:

- Board of Adjustment
- Building Code Board of Appeals
- Cultural Council
- Golf Course Advisory Board
- Historic Preservation Commission
- Historical Commission
- Housing Authority
- Library Board of Trustees

- Local Licensing Authority
- Open Space Advisory Board
- Parks & Public Landscaping Advisory Board
- Planning Commission
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

Information about boards, as well as meeting agendas and schedules for each board, is available on the City's web-site (www.LouisvilleCO.gov).

Agendas for all Board and Commission meetings are posted a minimum of 72 hours prior to each meeting and are posted at these locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City web site at www.LouisvilleCO.gov

Copies of complete meeting packets containing all agenda-related materials are available at least 72 hours prior to each meeting and may be found at the following locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk's Office, City Hall, 749 Main Street
- City web site at www.LouisvilleCO.gov

Planning Commission

The Planning Commission evaluates land use proposals against zoning laws and holds public hearings as outlined in City codes. Following a public hearing, the Commission recommends, through a resolution, that the City Council accept or reject a proposal.

- Regular Planning Commission meetings are held at 6:30 PM on the second Thursday of each month. Overflow meetings are scheduled for 6:30 PM on the 4th Thursday of the month as needed, and occasionally Study Sessions are held.
- Regular meetings are broadcast live on Comcast Channel 8 and archived for viewing on the City's web-site (www.LouisvilleCO.gov).

Open Government Training

All City Council members and members of a permanent Board or Commission are required to participate in at least one City-sponsored open government-related seminar, workshop, or other training program at least once every two years.

Open Meetings

The City follows the Colorado Open Meetings Law ("Sunshine Law") as well as additional open meet-

ings requirements found in the City's Home Rule Charter. These rules and practices apply to the City Council and appointed Boards and Commissions (referred to as a "public body" for ease of reference). Important open meetings rules and practices include the following:

Regular Meetings

All meetings of three or more members of a public body (or a quorum, whichever is fewer) are open to the public.

All meetings of public bodies must be held in public buildings and public facilities accessible to all members of the public.

All meetings must be preceded by proper notice. Agendas and agenda-related materials are posted at least 72 hours in advance of the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- On the City web site at www.LouisvilleCO.gov

Study Sessions

Study sessions are also open to the public. However, study sessions have a limited purpose:

- Study sessions are to obtain information and discuss matters in a less formal atmosphere;
- No preliminary or final decision or action may be made or taken at any study session; further, full debate and deliberation of a matter is to be reserved for formal meetings; If a person believes in good faith that a study session is proceeding contrary to these limitations, he or she may submit a written objection. The presiding officer will then review the objection and determine how the study session should proceed.
- Like formal meetings, a written summary of each study session is prepared and is available on the City's website.

Executive Sessions

The City Charter also sets out specific procedures and limitations on the use of executive sessions. These rules, found in Article 5 of the Charter, are intended to further the City policy that the activities of City government be conducted in public to the greatest extent feasible, in order to assure public participation and enhance public accountability. The City's rules regarding executive sessions include the following:

Timing and Procedures

The City Council, and City Boards and Commissions, may hold an executive session only at a regular or special meeting.

No formal action of any type, and no informal or "straw" vote, may occur at any executive session. Rather, formal

actions, such as the adoption of a proposed policy, position, rule or other action, may only occur in open session.

Prior to holding an executive session, there must be a public announcement of the request and the legal authority for convening in closed session. There must be a detailed and specific statement as to the topics to be discussed and the reasons for requesting the session.

The request must be approved by a supermajority (two-thirds of the full Council, Board, or Commission). Prior to voting on the request, the clerk reads a statement of the rules pertaining to executive sessions. Once in executive session, the limitations on the session must be discussed and the propriety of the session confirmed. If there are objections and/or concerns over the propriety of the session, those are to be resolved in open session.

Once the session is over, an announcement is made of any procedures that will follow from the session.

Executive sessions are recorded, with access to those tapes limited as provided by state law. Those state laws allow a judge to review the propriety of a session if in a court filing it is shown that there is a reasonable belief that the executive session went beyond its permitted scope. Executive session records are not available outside of a court proceeding.

Authorized Topics

For City Council, an executive session may be held only for discussion of the following topics:

- Matters where the information being discussed is required to be kept confidential by federal or state law;
- Certain personnel matters relating to employees directly appointed by the Council, and other personnel matters only upon request of the City Manager or Mayor for informational purposes only;
- Consideration of water rights and real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy for the acquisition or disposition; and
- Consultation with an attorney representing the City with respect to pending litigation. This includes cases that are actually filed as well as situations where the person requesting the executive session believes in good faith that a lawsuit may result, and allows for discussion of settlement strategies.

The City's Boards and Commissions may only hold an executive session for consultation with its attorney regarding pending litigation.

Ethics

Ethics are the foundation of good government. Louisville has adopted its own Code of Ethics, which is found in the City Charter and which applies to elected officials, public body members, and employees. The Louisville Code of Ethics applies in addition to any higher standards

in state law. Louisville's position on ethics is perhaps best summarized in the following statement taken from the City Charter:

Those entrusted with positions in the City government must commit to adhering to the letter and spirit of the Code of Ethics. Only when the people are confident that those in positions of public responsibility are committed to high levels of ethical and moral conduct, will they have faith that their government is acting for the good of the public. This faith in the motives of officers, public body members, and employees is critical for a harmonious and trusting relationship between the City government and the people it serves.

The City's Code of Ethics (Sections 5-6 though 5-17 of the Charter) is summarized in the following paragraphs. While the focus is to provide a general overview of the rules, it is important to note that all persons subject to the Code of Ethics must strive to follow both the letter and the spirit of the Code, so as to avoid not only actual violations, but public perceptions of violations. Indeed, perceptions of violations can have the same negative impact on public trust as actual violations.

Conflicts of Interest

One of the most common ethical rules visited in the local government arena is the "conflict of interest rule." While some technical aspects of the rule are discussed below, the general rule under the Code of Ethics is that if a Council, Board, or Commission member has an "interest" that will be affected by his or her "official action," then there is a conflict of interest and the member must:

- Disclose the conflict, on the record and with particularity;
- Not participate in the discussion;
- Leave the room; and
- Not attempt to influence others.

An "interest" is a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss. However, an "interest" does not include any matter conferring similar benefits on all property or persons similarly situated. (Therefore, a City Council member is not prohibited from voting on a sales tax increase or decrease if the member's only interest is that he or she, like other residents, will be subject to the higher or lower tax.) Additionally, an "interest" does not include a stock interest of less than one percent of the company's outstanding shares.

The Code of Ethics extends the concept of prohibited interest to persons or entities with whom the member is associated. In particular, an interest of the following persons and entities is also an interest of the member: relatives (including persons related by blood or marriage to certain

degrees, and others); a business in which the member is an officer, director, employee, partner, principal, member, or owner; and a business in which member owns more than one percent of outstanding shares.

The concept of an interest in a business applies to profit and nonprofit corporations, and applies in situations in which the official action would affect a business competitor. Additionally, an interest is deemed to continue for one year after the interest has ceased. Finally, “official action” for purposes of the conflict of interest rule, includes not only legislative actions, but also administrative actions and “quasi-judicial” proceedings where the entity is acting like a judge in applying rules to the specific rights of individuals (such as a variance request or liquor license). Thus, the conflict rules apply essentially to all types of actions a member may take.

Contracts

In addition to its purchasing policies and other rules intended to secure contracts that are in the best interest of the City, the Code of Ethics prohibits various actions regarding contracts. For example, no public body member who has decision-making authority or influence over a City contract can have an interest in the contract, unless the member has complied with the disclosure and recusal rules. Further, members are not to appear before the City on behalf of other entities that hold a City contract, nor are they to solicit or accept employment from a contracting entity if it is related to the member’s action on a contract with that entity.

Gifts and Nepotism

The Code of Ethics, as well as state law, regulates the receipt of gifts. City officials and employees may not solicit or accept a present or future gift, favor, discount, service or other thing of value from a party to a City contract, or from a person seeking to influence an official action. There is an exception for the “occasional nonpecuniary gift” of \$15 or less, but this exception does not apply if the gift, no matter how small, may be associated with the official’s or employee’s official action, whether concerning a contract or some other matter. The gift ban also extends to independent contractors who may exercise official actions on behalf of the City.

The Code of Ethics also prohibits common forms of nepotism. For example, no officer, public body member, or employee shall be responsible for employment matters concerning a relative. Nor can he or she influence compensation paid to a relative, and a relative of a current officer, public body member or employee cannot be hired unless certain personnel rules are followed.

Other Ethics Rules of Interest

Like state law, Louisville’s Code of Ethics prohibits the use of non-public information for personal or private gain. It also prohibits acts of advantage or favoritism and, in that regard, prohibits special considerations, use of employee time for personal or private reasons, and use of City vehicles or equipment, except in same manner as available to any other person (or in manner that will substantially benefit City). The City also has a “revolving door” rule that prohibits its elected officials from becoming City employees either during their time in office or for two years after leaving office. These and other rules of conduct are found in Section 5-9 of the Code of Ethics.

Disclosure, Enforcement, and Advisory Opinions

The Code of Ethics requires that those holding or running for City Council file a financial disclosure statement with the City Clerk. The statement must include, among other information, the person’s employer and occupation, sources of income, and a list of business and property holdings.

The Code of Ethics provides fair and certain procedures for its enforcement. Complaints of violations may be filed with the City prosecutor; the complaint must be a detailed written and verified statement. If the complaint is against an elected or appointed official, it is forwarded to an independent judge who appoints a special, independent prosecutor for purposes of investigation and appropriate action. If against an employee, the City prosecutor will investigate the complaint and take appropriate action. In all cases, the person who is subject to the complaint is given the opportunity to provide information concerning the complaint.

Finally, the Code allows persons who are subject to the Code to request an advisory opinion if they are uncertain as to applicability of the Code to a particular situation, or as to the definition of terms used in the Code. Such requests are handled by an advisory judge, selected from a panel of independent, disinterested judges who have agreed to provide their services. This device allows persons who are subject to the Code to resolve uncertainty before acting, so that a proper course of conduct may be identified. Any person who requests and acts in accordance with an advisory opinion issued by an advisory judge is not subject to City penalty, unless material facts were omitted or misstated in the request. Advisory opinions are posted for public inspection; the advisory judge may order a delay in posting if the judge determines the delay is in the City’s best interest.

Citizens are encouraged to contact the City Manager’s Office with any questions about the City’s Code of Ethics. A copy of the Code is available at the City’s website (www.LouisvilleCO.gov) and also from the Offices of the City Manager and City Clerk.

Other Laws on Citizen Participation in Government

Preceding sections of this pamphlet describe Louisville's own practices intended to further citizen participation in government. Those practices are generally intended to further dissemination of information and participation in the governing process. Some other laws of interest regarding citizen participation include:

Initiative and Referendum

The right to petition for municipal legislation is reserved to the citizens by the Colorado Constitution and the City Charter. An initiative is a petition for legislation brought directly by the citizens; a referendum is a petition brought by the citizens to refer to the voters a piece of legislation that has been approved by the City Council. In addition to these two petitioning procedures, the City Council may refer matters directly to the voters in the absence of any petition. Initiative and referendum petitions must concern municipal legislation—as opposed to administrative or other non-legislative matters. By law the City Clerk is the official responsible for many of the activities related to a petition process, such as approval of the petition forms, review of the signed petitions, and consideration of protests and other matters. There are minimum signature requirements for petitions to be moved to the ballot; in Louisville, an initiative petition must be signed by at least five percent of the total number of registered electors. A referendum petition must be signed by at least two and one-half percent of the registered electors.

Public Hearings

In addition to the opportunity afforded at each regular City Council meeting to comment on items not on the agenda, most City Council actions provide opportunity for public comment through a public hearing process. For example, the City Charter provides that a public hearing shall be held on every ordinance before its adoption. This includes opportunities for public comment prior to initial City Council discussion of the ordinance, as well as after Council's initial discussion but before action. Many actions of the City are required to be taken by ordinance, and thus this device allows for citizen public hearing comments on matters ranging from zoning ordinances to ordinances establishing offenses that are subject to enforcement through the municipal court.

Additionally, federal, state, and/or local law requires a public hearing on a number of matters irrespective of whether an ordinance is involved. For example, a public hearing is held on the City budget, the City Comprehensive Plan and similar plans, and a variety of site-specific or person-specific activities, such as annexations of land into the city, rezonings, special use permits, variances, and new

liquor licenses. Anyone may provide comments during these hearings.

Public Records

Access to public records is an important aspect of citizen participation in government. Louisville follows the Colorado Open Records Act (CORA) and the additional public records provisions in the City Charter. In particular, the Charter promotes the liberal construction of public records law, so as to promote the prompt disclosure of City records to citizens at no cost or no greater cost than the actual costs to the City.

The City Clerk is the custodian of the City's public records, except for financial, personnel, and police records which are handled, respectively, by the Finance, Human Resources, and Police Departments. The City maintains a public policy on access to public records, which include a records request form, a statement of fees, and other guidelines. No fee is charged for the inspection of records. No fee is charged for locating or making records available for copying, except in cases of voluminous requests or dated records, or when the time spent in locating records exceeds two hours. No fees are charged for the first 25 copies requested or for electronic records.

Many records, particularly those related to agenda items for City Council and current Board and Commission meetings, are available directly on the City's website (www.LouisvilleCO.gov). In addition to posting agenda-related material, the City maintains communication files for the City Council and Planning Commission. These are available for public inspection at the City Clerk's Office, 749 Main Street.

CORA lists the categories of public records that are not generally open to public inspection. These include, for example, certain personnel records and information, financial and other information about users of city facilities, privileged information, medical records, letters of reference, and other items listed in detail in CORA. When public records are not made available, the custodian will specifically advise the requestor of the reason.

Citizens are encouraged to review the City's website (www.LouisvilleCo.gov) for information, and to contact the City with any questions regarding City records.

Public Involvement Policy

Public participation is an essential element of the City's representative form of government. To promote effective public participation City officials, advisory board members, staff and participants should all observe the following guiding principles, roles and responsibilities:

Guiding Principles for Public Involvement

Inclusive not Exclusive - Everyone's participation is

welcome. Anyone with a known interest in the issue will be identified, invited and encouraged to be involved early in the process.

Voluntary Participation - The process will seek the support of those participants willing to invest the time necessary to make it work.

Purpose Driven - The process will be clearly linked to when and how decisions are made. These links will be communicated to participants.

Time, Financial and Legal Constraints - The process will operate within an appropriate time frame and budget and observe existing legal and regulatory requirements.

Communication - The process and its progress will be communicated to participants and the community at-large using appropriate methods and technologies.

Adaptability - The process will be adaptable so that the level of public involvement is reflective of the magnitude of the issue and the needs of the participants.

Access to Information - The process will provide participants with timely access to all relevant information in an understandable and user-friendly way. Education and training requirements will be considered.

Access to Decision Making - The process will give participants the opportunity to influence decision making.

Respect for Diverse Interests - The process will foster respect for the diverse values, interests and knowledge of those involved.

Accountability - The process will reflect that participants are accountable to both their constituents and to the success of the process.

Evaluation - The success and results of the process will be measured and evaluated.

Roles and Responsibilities - City Council

City Council is ultimately responsible to all the citizens of Louisville and must weigh each of its decisions accordingly. Councilors are responsible to their local constituents under the ward system; however they must carefully consider the concerns expressed by all parties. Council must ultimately meet the needs of the entire community—including current and future generations—and act in the best interests of the City as a whole.

During its review and decision-making process, Council has an obligation to recognize the efforts and activities that have preceded its deliberations. Council should have regard for the public involvement processes that have been completed in support or opposition of projects.

Roles and Responsibilities - City Staff and Advisory Boards

The City should be designed and run to meet the needs and priorities of its citizens. Staff and advisory boards must ensure that the Guiding Principles direct their work. In addition to the responsibilities established by the Guiding

Principles, staff and advisory boards are responsible for:

- ensuring that decisions and recommendations reflect the needs and desires of the community as a whole;
- pursuing public involvement with a positive spirit because it helps clarify those needs and desires and also adds value to projects;
- fostering long-term relationships based on respect and trust in all public involvement activities;
- encouraging positive working partnerships;
- ensuring that no participant or group is marginalized or ignored;
- drawing out the silent majority, the voiceless and the disempowered; and being familiar with a variety of public involvement techniques and the strengths and weaknesses of various approaches.

All Participants

The public is also accountable for the public involvement process and for the results it produces. All parties (including Council, advisory boards, staff, proponents, opponents and the public) are responsible for:

- working within the process in a cooperative and civil manner;
- focusing on real issues and not on furthering personal agendas;
- balancing personal concerns with the needs of the community as a whole;
- having realistic expectations;
- participating openly, honestly and constructively, offering ideas, suggestions and alternatives;
- listening carefully and actively considering everyone's perspectives;
- identifying their concerns and issues early in the process;
- providing their names and contact information if they want direct feedback;
- remembering that no single voice is more important than all others, and that there are diverse opinions to be considered;
- making every effort to work within the project schedule and if this is not possible, discussing this with the proponent without delay;
- recognizing that process schedules may be constrained by external factors such as limited funding, broader project schedules or legislative requirements;
- accepting some responsibility for keeping themselves aware of current issues, making others aware of project activities and soliciting their involvement and input; and
- considering that the quality of the outcome and how that outcome is achieved are both important.

Updated December 2015

This pamphlet is prepared pursuant to the Home Rule Charter of the City of Louisville.

This is a compilation of Articles 4 and 5 of the Charter of the City of Louisville and is available at all times in the City Clerk's Office, 749 Main Street, Louisville, Colorado, and on the City's web site at www.LouisvilleCO.gov.

This pamphlet is also provided to every member of a public body (board or commission) at that body's first meeting each year.

MEMORANDUM

To: Honorable Chair and Members of the Planning Commission

From: Planning Division

Subject: Establish Official Locations for Posting of Public Notice

Date: **January 11, 2018**

State law requires that each year every municipal board or commission establish the location(s) where the notice of their public meetings will be posted. It is required the location be established at that body's first regular meeting of the year.

The City's Home Rule Charter requires that notice of City Council meetings be posted in four locations. The City Attorney and City Manager's office recommend that other boards and commissions follow the same public notice posting practice.

Consistent with that recommendation, staff is recommending the Planning Commission establish for the year 2018 the official locations for posting of Planning Commission agendas as follows:

- **The Lobby of City Hall, 749 Main Street**
- **The Louisville Public Library Bulletin Board, 951 Spruce Street**
- **The Louisville Recreation Center, 900 West Via Appia**
- **The Police / Municipal Court building, 992 Via Appia**
- **The City of Louisville website, www.louisvilleco.gov**

City Council adopted these official locations for posting of notices for public meetings at their January 2, 2018 meeting.

**RESOLUTION NO. 02,
SERIES 2018**

A RESOLUTION RECOMMENDING THAT THE FOLLOWING LOCATIONS BE ESTABLISHED AS THE OFFICIAL LOCATIONS FOR THE POSTING OF PUBLIC NOTICE OF ALL 2018 LOUISVILLE PLANNING COMMISSION MEETINGS

- **The Lobby of City Hall, 749 Main Street**
- **The Louisville Public Library Bulletin Board, 951 Spruce Street**
- **The Louisville Recreation Center, 900 West Via Appia**
- **The Police / Municipal Court building, 992 Via Appia**
- **The City of Louisville website, www.louisvilleco.gov**

WHEREAS, Senate Bill 91-33 requires that all local public bodies designate a public place or places where public notice of public meetings will be posted, with said designation being made at the first regular meeting of that body in each calendar year; and

WHEREAS, the City's Home Rule Charter requires additional locations for the posting of public notice of City Council meetings and by extension, it is the recommendation of Staff that the Planning Commission adopt the same standard for posting of public notice of their meetings; and

WHEREAS, the Planning Commission has reviewed the recommended locations for the posting of public notice and finds them to be consistent with State Statutes, Municipal Code and the Louisville Home Rule Charter.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby designate the following public places for the posting of notices for all public meetings of the Planning Commission in 2018.

- **The Lobby of City Hall, 749 Main Street**
- **The Louisville Public Library Bulletin Board, 951 Spruce Street**
- **The Louisville Recreation Center, 900 West Via Appia**
- **The Louisville Police / Municipal Court building, 992 Via Appia**
- **The City of Louisville website, www.louisvilleco.gov**

PASSED AND ADOPTED this 11th day of January, 2018.

By: _____
 , Chair
 Planning Commission

Attest: _____
 , Secretary
 Planning Commission

MEMORANDUM

To: Planning Commission Members

From: Department of Planning and Building Safety

Subject: 2018 Meeting Dates

Date: **January 11, 2018**

Regular meetings are held at 6:30 p.m. on the 2nd Thursday of every month in the 2nd floor of City Hall, City Council Chambers. As needed, overflow meetings will be held at 6:30 p.m. on the 4th Thursday of every month. The 3rd Thursday of each month should be held for Study Sessions, as needed.

2018 Meeting Dates			
Month	Regular	Overflow	Study
January	11	25	18
February	8	22	15
March	8	22	15
April	12	26	19
May	10	24	17
June	14	28	21
July	12	26	19
August	9	23	16
September	13	27	20
October	11	25	18
November	8	15	-
December	13	20	-